

S.B. CIVIL WRIT PETITION No.7664/2003
B.G.PROFESSIONAL EDUCATION SOCIETY V. STATE OF RAJ.

11.1.2007

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri Neeraj Bhatt for the petitioner.
Smt. Nirmala Sharma, Dy. G.A.

This writ petition has been filed by B.G. Professional Education Society, Jaipur with the prayer that the respondents be directed to issue No Objection Certificate to the petitioner for starting Law College from the beginning of academic session 2004-05 on the basis of the application which is already pending consideration with the respondent and the petitioner should not be required to submit fresh application and further direct the respondents to reimburse the expenses which the petitioner was forced to incur in expectation of NOC amounting Rs.1,20,000/-.

During the pendency of the writ petition, this court vide order dated 7.4.2004 directed the respondent to issue No Objection Certificate provisionally subject to decision of the writ petition. It transpired during the arguments that not only NOC has been issued but the P.G. Law College on the basis of NOC has already started

functioning. The respondents although in reply to the writ petition have contested the plea of the petitioner with regard to grant of NOC. The Director of College Education, Rajasthan by his letter forwarded the case of the petitioner for granting temporary NOC to the Government but now it is submitted that the said application was for the earlier academic sessions, the petitioner should be required to apply again for private college for the session 2004-05 as per the terms and conditions laid down in the notification dated 16.11.2002 particularly as per conditions No. 3 and 4 of the notification dated 28.2.2004.

Subsistence of the matter is that the application of the petitioner was pending with the respondent and on that basis, this court by its interim order dated 7.4.04 directed the respondent to consider the case of the petitioner and to issue No Objection Certificate to him. The certificate now stands issued and the college started functioning. The issuance of NOC shall be taken to have been made as per the requirement of the Law and the petitioner should be allowed to run the Law college. But at the same time the petitioner shall

have to abide by the law and rules necessary for running a law college.

With these observations, this petition is disposed of with no order as to costs.

(Mohammad Rafiq), J.

Chauhan/